

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Markus Altmann et al. : Confirmation Number: 8474
Serial No. 09/762,082 : Group Art Unit: Not Yet Assigned
Filed: February 12, 2001 : Examiner: Not Yet Assigned
For WRINKLE REDUCING COMPOSITION

**DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF
OMITTED INVENTORS**

This declaration is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the omitted inventors for the above-mentioned patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the available person having first-hand knowledge of the facts recited therein.

BACKGROUND

The present application is the nation phase of PCT Application no. PCT/US98/16127, by P&G. The claims of these applications were the result of an invention made by the above-identified inventors who were employed by The Procter & Gamble Company and Procter & Gamble Eurocor (hereinafter collectively referred to as "P&G") at the time the invention was made. Due to their employment by P&G, the inventors have an obligation to assign each of their rights to the above-identified application to P&G.

The inventors for these applications are Markus Altmann, Earl David Brock, Bruno Albert Hubesch, Robert Mermelstein, Marjorie Peffly, Peter Torgerson, Christian Leo Vermote and Ricky Ah-Man Woo. Two of those inventors, Mr. Brock and Mr. Vermote, have since left their employment with P&G.

The status of the present application is (1) case was abandoned for failure to respond to the Notice of Missing Parts within the appropriate time period; and (2) Petition to Revive was dismissed without prejudice for failure to comply with the requirements of 37 CFR 1.47(a), specifically the Proof of Unavailability or Refusal by the missing inventors was not in full compliance with the rules.

As stated in the Decision dated April 9, 2003, the Dismissal is based on the grounds that (i) only a copy of the Declaration/Power of Attorney was sent to the missing inventor(s), instead of a complete copy of the application, which should include the specification, the claims, the drawings and an oath and declaration; (ii) documentary evidence, such as a certified mail return receipt, cover letter or instruction, telegram, etc. was not supplied with the declaration; and (iii) petitioner never expressly stated the last known address of the omitted inventors.

DETAILS OF EFFORTS TO REACH OMITTED INVENTORS

Upon receipt of the Decision, Declarant diligently set about locating and contacting the missing inventors.

(1) Christian Leo Marie Vermote

Through the renewed efforts to reach Mr. Vermote by Declarant's European colleague, Mr. George Allen, Esq., Mr. Vermote was located. Mr. Vermote signed the Declaration/Power of Attorney. A copy of Declaration/Power of Attorney signed by Mr. Vermote is attached (Attachment A).

Declarant believe this document fulfills the requirement under the Notice of Missing Parts as it relates to the omitted inventor, Mr. Vermote.

(2) Earl David Brock

On April 28, 2003, Declarant conducted an internet search and confirmed that Mr. Brock is still located at 645 Highview Lane, Kimberly, WI. The search result is attached (Attachment B).

On May 15, 2003, Declarant's assistant, Ms. Sandy Wilson, sent a certified mail to Mr. Brock at the above identified address. Declarant inspected the mail before it was sent and found the mail included (a) a copy of the patent application, including the specification and the claims; (b) two copies of Declaration/Power of Attorney; (c) two copies of US assignment; and (d) a cover letter instructing Mr. Brock to review and understand the patent application, sign/notarize the documents and return the signed documents, and to contact her if he has any question. A copy of cover letter is attached (Attachment C).

Based on the signature on the return receipt of the certified mail, Declarant believe the mail was successfully delivered to Mr. Brock. A copy of the certified mail return receipt signed by E. Brock is attached (Attachment D).

On June 17, 2003, Declarant attempted to contact Mr. Brock by telephone at (920) 788-1943, which is the phone number listed at Mr. Brock's last known address (see attachment B). Declarant was not able to reach Mr. Brock in person. However, Declarant left a voice message to Mr. Brock on the answering machine requesting Mr. Brock to sign and return the documents sent to him previously, and to call Daclarant if he has any question.

To this date, Declarant has not heard from or received anything from Mr. Brock.

Declarant believe the facts stated above support a *bona fide* attempt to reach Mr. Brock, and Mr. Brock's conduct or non-responsiveness constitutes a refusal to sign the Declaration/Power of Attorney.

To the best of Declarant's knowledge, the last known address for Earl David Brock is as follows:

Earl David Brock
645 Highview Lane
Kimberly, WI 54136

Declarant hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

By Caroline Wei-Berk
Caroline Wei-Berk, Esq.
DECLARANT
Attorney for Petitioner
Reg. No. 45,203

July 2, 2003
Cincinnati, OH
Customer Number 27752

ATTACHMENT A

02 Jul 03

DECLARATION COMBINED WITH POWER OF ATTORNEY

Page 1 of 2

Attorney Docket No. CM1718

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

WRINKLE REDUCING COMPOSITION

the specification of which

(check
one)☐
☒

is attached hereto.

was filed on August 4, 1998

as United States Application No. or

PCT International Application Serial No. PCT/US98/16127and has entered US National Phase with USN 09/762,082

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

(Number)

(Country)

(MM/DD/YYYY Filed)

☐
Yes☐
No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Serial No.Filing DateApplication Serial No.Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)

As named inventor, I hereby appoint the registered practitioners associated with customer number 27752 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: Customer Number 27752

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Markus Wilhelm ALTMANN

Inventor's signature _____

Date _____

Residence 19 rue du Page, B-1050 Brussels, Belgium

Citizenship German

Mailing Address 19 rue du Page, B-1050 Brussels, Belgium

Full name of second joint inventor, if any Earl David BROCK

Inventor's signature _____

Date _____

Residence 7395 Westerfield Drive, West Chester, Ohio 45069, USA

Citizenship American

Mailing Address 7395 Westerfield Drive, West Chester, Ohio 45069, USA

Full name of third joint inventor, if any Bruno Albert Jean HUBESCH

Inventor's signature _____

Date _____

Residence Langestraat 55, B-3040 Neerijse-Huldenberg, Belgium

Citizenship Belgian

Mailing Address Langestraat 55, B-3040 Neerijse-Huldenberg, Belgium

Full name of fourth joint inventor, if any Robert (NMN) MERMELSTEIN

Inventor's signature _____

Date _____

Residence 7248 Greenfarms Drive, Cincinnati, Ohio 45224, USA

Citizenship American

Mailing Address 7248 Greenfarms Drive, Cincinnati, Ohio 45224, USA

Full name of fifth joint inventor, if any Marjorie Mossman PEEFLY

Inventor's signature _____

Date _____

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Citizenship American

Mailing Address 8358 Ellenwoods Drive, Cincinnati, Ohio 45249, USA

Full name of sixth joint inventor, if any Peter Marte TORGERSON

Inventor's signature _____

Date _____

Residence 4127 US Rt 35NW, Washington Court House, Ohio 43160, USA

Citizenship American

Mailing Address 4127 US Rt 35NW, Washington Court House, Ohio 43160, USA

Full name of seventh joint inventor, if any Christian Leo Marie VERMOTE

Inventor's signature Christian Leo Marie Vermote

Date June 13 2003

Residence Europalaan 66, 9070 Destelbergen, Belgium

Citizenship Belgian

Mailing Address Europalaan 66, 9070 Destelbergen, Belgium

Full name of eighth joint inventor, if any Ricky Ah-Man WOO

Inventor's signature _____

Date

Residence 6940 Van Gordon Road, Hamilton, Ohio 45011, USA

Citizenship American

Mailing Address 6940 Van Gordon Road, Hamilton, Ohio 45011, USA